

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:20-cr-00740-SEP
	)	
JOSHUA BROWN,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court are Defendant Joshua Brown's Motions to Suppress Evidence, Doc. [60], and Motion for Severance of Counts, Doc. [64]. Brown's case was referred to United States Magistrate Judge David D. Noce pursuant to 28 U.S.C. § 636(b). The motions were briefed before Judge Noce, *see* Docs. [60], [64], [65], [73], who thereafter conducted an evidentiary hearing, *see* Doc. [80]. At that hearing, Judge Noce asked the parties to file post-hearing briefs. *See* Doc. [80] at 114:119-21. Both parties filed post-hearing briefs relating to the motion to suppress. *See* Docs. [83], [87]. Defendant also filed a supplemental memorandum in support of his motion to suppress, Doc. [117], to which the Government responded. Doc. [118].

On March 21, 2023, Judge Noce issued a Report and Recommendation, Doc. [120], recommending that this Court deny the motions under review. On April 4, 2023, Defendant filed objections to the Report and Recommendation, reasserting arguments made in his motions, at the hearing, and in his post-hearing briefs. Doc. [122]. On April 16, 2023, the Government responded to Defendant's objections to the Report and Recommendation. Doc. [127].

The Court has conducted a *de novo* review of all matters related to Defendant's motions, including a thorough review of the transcript of the evidentiary hearing held in front of Judge Noce, as well as the parties' briefing outlined above. *See* 28 U.S.C. § 636(b)(1). After careful consideration, the Court adopts and sustains Judge Noce's findings of fact and conclusions of law. The Court agrees with Judge Noce's analysis and conclusion that Defendant's motion to sever counts should be denied because the circumstances leading to Defendant's charges sufficiently relate to another, and Defendant would not be prejudiced by a joint trial. Doc. [120] at 4. As for the motion to suppress, the Court also agrees with Judge Noce that Officer Coll's

testimony regarding the traffic stop was credible, and that the officers had probable cause to stop the vehicle based on the absence of a license plate on its rear. *Id.* at 7-10. The Court further agrees with Judge Noce's analysis of the constitutionality of the subsequent extension of the traffic stop, search of the vehicle, and seizure of the firearm and drug paraphernalia. *Id.* at 7-11.

Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge David D. Noce's Report and Recommendation, Doc. [120], is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Defendant Joshua Brown's Motion to Suppress Evidence, Doc. [60], is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion for Severance of Counts, Doc. [64], is **DENIED**.

**IT IS FINALLY ORDERED** that the jury trial in this matter is set for **Monday, July 17, 2023, at 9:00 a.m. in Courtroom 16-North.**

Dated this 18<sup>th</sup> day of May, 2023.

  
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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE